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FIRE INSURANCE COMPANY and GOLDEN EAGLE INSURANCE  
CORPORATION

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

SHAW MORTGAGE  
CORPORATION dba  
PATIOSOURCE & THE NATURAL  
TOUCH, a California Corporation

Plaintiffs,

v.

PEERLESS INSURANCE  
COMPANY, a New Hampshire  
Company; GOLDEN EAGLE  
INSURANCE CORPORATION, a  
California Corporation; LIBERTY  
MUTUAL INSURANCE COMPANY,  
a Massachusetts Company; and DOES  
1 – 20, inclusive,

Defendants.

CASE NO.: 08 CV 0709 BTM AJB

SDSC Case No. 37-2007-00084451-CU-BC-  
CTL

**NOTICE OF WITHDRAWAL OF  
MOTION TO DISMISS PLAINTIFFS'  
COMPLAINT AND MOTION TO  
DROP SHAM DEFENDANT**

**DATE: 6/27/08  
TIME: 11:00 a.m.  
COURTROOM: 15**

Date Complaint Filed: 12/21/2007

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD HEREIN:

**PLEASE TAKE NOTICE** that based upon this court's June 17, 2008, order,  
dismissing Defendants Liberty Mutual Fire Insurance Company ("Liberty Mutual") and  
Golden Eagle Insurance Corporation ("Golden Eagle") from this action, Liberty Mutual

1 Fire Insurance Company hereby withdraws its Motion to Dismiss Liberty Mutual from  
2 this action, which is set to be heard on June 27, 2007.

3 **PLEASE TAKE FURTHER NOTICE** that Peerless Insurance Company hereby  
4 withdraws its Motion to Drop Golden Eagle as a Sham Defendant, which is also set for  
5 June 27, 2008.

6 **PLEASE TAKE FURTHER NOTICE** that the content Notice of Withdrawal of  
7 Motion is acceptable to all persons required to sign this document and it has been agreed  
8 to all parties required to sign this document that his or her electronic signature can be  
9 affixed to this document.

10  
11 DATED: June 18, 2008

BERGER KAHN  
A Law Corporation

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13 By: S/Dale A. Amato  
14 DALE A. AMATO  
15 Attorneys for PEERLESS  
16 INSURANCE COMPANY, LIBERTY  
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